## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

CARLTON B. PARKS,	)
Plaintiff,	) ) Case No. 1:19-cv-00349
v.	)
JEFFREY J. LYASH, et al.,	<ul><li>Judge Matthew F. Leitman</li><li>Magistrate Judge Steger</li></ul>
Defendants.	)
	) )

## ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT AND RECOMMENDATION (ECF No. 30) AND (2) GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO DISMISS (ECF No. 18)

In this action, Plaintiff Carlton B. Parks brings claims of, among other things, employment discrimination, age discrimination, and racial discrimination against the Defendants. (*See* Am. Compl., ECF No. 17.) On June 11, 2020, the Defendants moved to dismiss Parks' Amended Complaint pursuant to Federal Rules of Civil Procedure 4(m), 12(b)(5), and 12(b)(6). (*See* Mot. to Dismiss, ECF No. 18).

On February 8, 2021, the assigned Magistrate Judge issued a report and recommendation in which he recommended that the Court grant Defendants' motion in part and deny the motion in part (the "R&R"). (See R&R, ECF No. 30.) More specifically, the Magistrate Judge recommended that the Court dismiss Parks' claims under Title VII of the Civil Rights Act of 1964 and his claims under the Age

Discrimination in Employment Act that he brought against Defendants John Terry, Edward Spoone, Kristi Foxx, and Jamie Lynch. (*See id.*, PageID.266.) The Magistrate Judge recommended that the Court deny the motion to dismiss in all other respects. (*See id.*)

At the conclusion of the R&R, the Magistrate informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.266 n.6.)

Neither party has filed an objection to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Because neither party has filed an objection to the R&R, IT IS HEREBY ORDERED that the Magistrate Judge's recommendation to grant Defendants' motion to dismiss in part and to deny the motion to dismiss in part is ADOPTED.

IT IS FURTHER ORDERED that (1) Defendants' motion to dismiss is GRANTED to the extent that it seeks dismissal of Parks' Title VII and Age Discrimination in Employment Act claims brought against John Terry, Edward

Spoone, Kristi Foxx, and Jamie Lynch and (2) Defendants' motion to dismiss is **DENIED** in all other respects.

## IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE
SITTING BY SPECIAL DESIGNATION

Dated: March 16, 2021